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DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP			HASHEM, LISA	
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			2614	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,229

Applicant(s)

FORBES, LEONARD

Examiner

Lisa Hashem

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,9-13,22,24-36,38-43 and 55-71 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-6, 9-13, 22, 24-36, 38-43, and 55-71 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 61-67 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, ‘...a controller in communication with said transmitter/receiver circuit and said at least one memory device for storing in said memory device data received from a general purpose computer in response to a data storage command and for retrieving stored data from said memory device for transmission to a general purpose computer in response to a data retrieval request from a general purpose computer...’ which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Section 0026 in the specification of the instant application discloses a processor system that includes a processor. Lines 8-19 of section 0026 disclose ‘...The processor 411 also communicates with a transmitter/receiver 422, such as, for example, a modulator/demodulator, for exchanging data and commands with memory module 100 by way of the electromagnetic wave transmissions described above with reference to memory module 100. The transmitter/receiver 422 operates with a local oscillator 424 to transmit and receive data and commands to and from memory module 100. The transmitter/receiver 422 is capable of wirelessly receiving and transmitting an electromagnetic radiation signal through use of a

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transducer, such as antenna 425...'. The specification does not disclose a controller in the portable memory module for storing data in response to a data storage command and for retrieving stored data in response to a data retrieval request from a general purpose computer.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 recites the limitation "said wireless receipt". There is insufficient antecedent basis for this limitation in the claim. Examiner assumes the term should mean 'said wireless reception'.

5. Claim 27 recites the limitation "said second processor system". There is insufficient antecedent basis for this limitation in the claim. Claim 22 does not recite a second processor system.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-6, 9, 12, 13, and 54 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent Application No. US 2001/0049262 by Lehtonen.

Regarding claim 1, Lehtonen discloses a portable wireless memory module (Fig. 3, 21) for storing data, said module consisting essentially of (see Fig. 3, 21):

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a power supply unit (section 0019, lines 3-8; Fig. 2, 26; section 0032, lines 1-9);

a transmitter/receiver circuit (Fig. 3, BT2) for

(i) wirelessly receiving data and commands communicated to said module from a processing system (Fig. 3, 22) and

(ii) wirelessly transmitting stored data from said module (Fig. 3: 21), said wireless reception and transmission using radio waves (section 0027, lines 5-9; section 0031, lines 8-11; section 0032, lines 1-4);

at least one memory device or memory card for storing said data received by and sent from said transmitter/receiver circuit; and

a controller (Fig. 3: MCU) in communication with said at least one memory device and said

transmitter/receiver circuit for storing data in said memory device received by said

transmitter/receiver circuit and for retrieving stored data from said memory device for

transmission by said transmitter/receiver circuit from said module (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0030, line 1 - section 0031, line 13).

Regarding claim 3, a memory module according to claim 1, wherein Lehtonen further discloses a frequency of said radio waves is in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4).

Regarding claim 4, a memory module according to claim 1, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4).

Regarding claim 5, a memory module according to claim 1, wherein Lehtonen further discloses said transmitter/receiver automatically establishes a radio wave communications path

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with a processing system (Fig. 2, 22) when within a vicinity of the processing system which is sufficient to establish a wireless communications path (section 0031, line 6 – section 0032, line 7; section 0040, lines 1-9).

Regarding claim 6, a memory module according to claim 3, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4).

Regarding claim 9, a memory module according to claim 8, wherein Lehtonen further discloses said power supply unit comprises at least one battery (section 0019, lines 3-8; section 0032, lines 7-9).

Regarding claim 12, a memory module according to claim 1, wherein Lehtonen further discloses said memory device inherently comprises a dynamic random access memory device or memory card (page 1, section 0014, lines 1-8).

Regarding claim 13, a memory module according to claim 1, wherein Lehtonen further discloses said memory device inherently comprises a flash memory or fixed memory device (section 0014, lines 1-8).

Regarding claim 54, a memory module according to claim 1, wherein Lehtonen further discloses said data comprises data files (section 0016, lines 1-14; section 0019, lines 16-19; section 0031, lines 5-6).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lehtonen, as applied to claim 1, and in further view of Mashiko.

Regarding claim 10, a memory module according to claim 9, wherein Lehtonen does not disclose said at least one battery is rechargeable.

Mashiko discloses a portable wireless memory module (Fig. 5, 4) for storing data, said module consisting essentially of: a power supply unit (Fig. 5, 45); a transmitter/receiver circuit (Fig. 5, 21) for (i) wirelessly receiving data and commands communicated to said module from a processing system (Fig. 5, 7) and (ii) wirelessly transmitting stored data from said module; at least one memory device (Fig. 5, 3) for storing said data received by and sent from said transmitter/receiver circuit; and a controller (Fig. 5, 2) in communication with said at least one memory device and said transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit and for retrieving stored data from said memory device for transmission by said transmitter/receiver circuit from said module (col. 12, line 52 – col. 13, line 42). Wherein Mashiko further discloses said at least one battery is rechargeable (Fig. 5, 45).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the memory module of Lehtonen to include a rechargeable battery as taught by Mashiko. One of ordinary skill in the art would have been lead to make such a modification since the power supply unit of the portable memory module can be recharged.

Regarding claim 11, a memory module according to claim 10, wherein Mashiko further discloses said power supply unit further comprising terminals for communicating with a recharger for recharging said at least one rechargeable battery (col. 13, lines 8-13).

10. Claims 22, 24-28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lehtonen, in view of Mashiko.

Regarding claim 22, Lehtonen discloses a system for the wireless transfer of data (see Abstract; Fig. 3), said wireless data transfer system comprising: (a) a first processor system or headset (Fig. 3, 21) comprising: at least one first processor system memory device (Fig. 3, 21: MEMORY); a first processor system transmitter/receiver circuit for (i) wirelessly receiving data communicated to said first processor system (Fig. 3, 21: BT2) and (ii) wirelessly transmitting data and commands from said first processor system (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0031, line 1 – section 0032, line 4); and a first processor system controller (Fig. 3, 21: MCU) in communication with said at least one first processor system memory device and said first processor system transmitter/receiver circuit for storing data in said memory device received by said transmitter/receiver circuit (section 0041, lines 4-13) and for retrieving data from said memory device for transmission by said transmitter/receiver from said first processor system (section 0030, lines 1-6); and (b) a portable memory module or mobile telephone (Fig. 3, 22), providing memory storage for said first

processing systems (section 0041, lines 4-13), the portable memory module comprising: at least one memory module memory device for storing data (Fig. 3, 22: MEM); a memory module transmitter/receiver circuit (Fig. 3, 22: BT) for (i) wirelessly receiving data to be stored and commands communicated to said module from said first processor system and (ii) wirelessly transmitting stored data from said module; and a memory module controller (Fig. 3, 22: MPU) in communication with said at least one memory module memory device and said memory module transmitter/receiver circuit for storing data in said portable memory module memory device received by said portable memory module transmitter/receiver circuit and retrieving stored data from said portable memory module memory device for transmission by said portable memory module transmitter/receiver circuit from said module (section 0027, lines 1-9; section 0035, lines 1-10; section 0041, lines 4-13).

Lehtonen does not disclose for transmission by said transmitter/receiving circuit from said module to any of a plurality of other processing systems.

Mashiko discloses a method of data transfer (see Abstract), said method comprising: transmitting stored data (Fig. 3, 17) from a memory module (Fig. 3, 6) to any of a plurality of other processing systems (Fig. 3: 1A, 1B) (col. 9, line 53 – col. 10, line 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lehtonen to include transmission by said transmitter/receiving circuit from said module to any of a plurality of other processing systems as taught by Mashiko. One of ordinary skill in the art would have been lead to make such a modification since the portable memory module can transfer data to a plurality of other processing systems.

Regarding claim 24, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0027, lines 1-9).

Regarding claim 25, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said radio waves have a frequency in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 26, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 27, a system for the portable transfer of data according to claim 22, wherein Lehtonen further discloses said first processor system transmitter/receiver, said memory module transmitter/receiver, and a second processor system transmitter/receiver (e.g. a base station) (section 0035, lines 1-23) automatically establish a radio wave communications path between said memory module and either of said first or said any of a plurality of other processor systems when in a vicinity of another transmitter/receiver which transmits or receives data (section 0027, lines 1-9; section 0035, lines 1-23; section 0045, lines 4-19).

Regarding claim 28, a system for the wireless transfer of data according to claim 22, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 35, a system for the wireless transfer of data according to claim 22, wherein Mashiko further discloses said wireless transmission and reception uses light waves (col. 12, line 66 – col. 13, line 2; col. 13, lines 18-42).

11. Claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lehtonen in view of Mashiko as applied to claim 22 above, and in further view of U.S. Patent Application Publication No. 2002/0078248 by Janik.

Regarding claim 29, a system for wireless transfer of data according to claim 22, wherein Mashiko further discloses said memory module further comprising an electrical power supply unit at said module for providing operating power to electrical components at said processing system (col. 10, lines 9-14).

Lehtonen in view of Mashiko do not disclose said memory module comprising a self-contained electrical power supply unit for providing operating power at said module.

Janik discloses a wireless portable memory module system (see Fig. 8) comprising: a recharger or cradle with battery charger (Fig. 1, 54; Fig. 8, 56) for detachably receiving and recharging thereat a portable memory module (wireless LAN adapter module (Fig. 2, 14) attached to a PDA (Fig. 2, 2)) having a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7); and said portable memory module or wireless LAN adapter module (Fig. 2, 14) comprising: a memory device for storing data (Fig. 8: 106, 114); a transmitter/receiver or wireless LAN transceiver (Fig. 8, 78) for wirelessly exchanging data with a processor system (for example, a PC) (section 0006, lines 1-5; section 0041, lines 1-10); a controller or microprocessor (Fig. 8, 90) coupled to said transmitter/receiver for receiving data and storing said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module (section 0027, lines 1-6; section 0038, lines 1-4; section 0041, lines 1-10); and a rechargeable power supply unit (Fig. 8, 86) (section 0043, lines 1-7).

Janik further discloses said memory module further comprising a self-contained electrical power supply unit or battery (Fig. 8, 86) at said module for providing operating power to electrical components at said module (section 0043, line 1 – section 0044, line 12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Lehtonen in view of Mashiko to include a power supply unit as taught by Janik. One of ordinary skill in the art would have been lead to make such a modification since the memory module comprises a battery that provides operating power to the memory module.

Regarding claim 30, a system for the wireless transfer of data according to claim 29, wherein Janik further discloses said power supply unit comprises at least one battery (Fig. 8, 86)

Regarding claim 31, a system for the wireless transfer of data according to claim 30, wherein Janik further discloses said at least one battery is rechargeable (section 0043, line 1 – section 0044, line 12).

Regarding claim 32, a system for the wireless transfer of data according to claim 31, wherein Janik further discloses said power supply unit further comprising terminals (Fig. 1, 138) for communicating with a recharger (Fig. 1, 54) for recharging said at least one rechargeable battery (section 0043, line 1 - section 0044, line 12).

Regarding claim 33, a system for the wireless transfer of data according to claim 32, wherein Janik further discloses said recharger is a stand-alone recharger (Fig. 1, 54).

Regarding claim 34, a system for the wireless transfer of data according to claim 32, wherein Janik further discloses said first processor system (for example, a PC) comprises said recharger (section 0006, lines 1-5).

12. Claims 36, 38-43 and 67-71 are rejected under 35 U.S.C. 103(a) as being unpatentable by Lehtonen, in view of Mashiko.

Regarding claim 36, Lehtonen discloses a method of wireless data transfer (see Abstract), said method comprising: wirelessly transmitting data from a first processor system or headset (Fig. 3, 21), to a portable memory module or mobile telephone (Fig. 3, 22); receiving with said portable memory module said data transmitted from the first processor system and storing said received data at said memory module (Fig. 3, 22: MEM); and wirelessly transmitting stored data from said portable memory module to any of a plurality of other processing systems (e.g. mobile telephone, base station) (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0027, lines 1-9; section 0031, line 1 – section 0032, line 4; section 0035, lines 1-23; section 0045, lines 4-19).

Lehtonen does not disclose transmitting stored data from said portable memory module to any of a plurality of other processing systems.

Mashiko discloses a method of data transfer (see Abstract), said method comprising: transmitting stored data (Fig. 3, 17) from said portable memory module (Fig. 3, 6) to any of a plurality of other processing systems (Fig. 3: 1A, 1B) (col. 9, line 53 – col. 10, line 42).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Lehtonen to include transmitting stored data from said portable memory module to any of a plurality of other processing systems as taught by Mashiko. One of ordinary skill in the art would have been lead to make such a modification since the portable memory module can transfer data to a plurality of other processing systems.

Regarding claim 38, a method according to claim 36, wherein Lehtonen further discloses said wireless transmission and reception uses radio waves (section 0031, line 1 – section 0032, line 4; section 0035, lines 1-14).

Regarding claim 39, a method according to claim 38, wherein Lehtonen further discloses said radio waves have a frequency in the range of about 900 MHz to about 10 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 40, a method according to claim 38, wherein Lehtonen further discloses said radio waves are BluetoothTM compliant radio waves (section 0027, lines 5-9; section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 41, a method according to claim 36, wherein Lehtonen further discloses automatically establishing a radio wave communications path between said portable memory module and said first processor system when said portable memory module and said first processor system are within a sufficiently close vicinity of one another to establish a wireless communications path (section 0031, line 1 – section 0032, line 4).

Regarding claim 42, a method according to claim 36, wherein Lehtonen further discloses said frequency is about 2.4 GHz (section 0032, lines 1-4; section 0035, lines 19-22).

Regarding claim 43, a method according to claim 36, wherein Mashiko further discloses said wireless transmission and reception uses light waves (col. 12, line 66 – col. 13, line 2; col. 13, lines 18-42).

Regarding claims 67-71, please see the rejections of claims 36, 38, 39, 40, and 41, respectively, to reject claims 67-71.

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13. Claims 55-60 are rejected under 35 U.S.C. 103(a) as being unpatentable by Mashiko in view of Lehtonen.

Regarding claim 55, Mashiko discloses a wireless portable memory module system comprising:

a recharger (Fig. 5, 7) for detachably receiving and recharging thereat a portable memory module (Fig. 5, 4) having a rechargeable power supply (Fig. 5, 52) (col. 7, lines 41-51);

and said portable memory module consisting essentially of:

a memory device (Fig. 5, 3) for storing data;

a transmitter/receiver (Fig. 5: 31, 33, 37) for wirelessly exchanging data using radio waves (col. 1, lines 11-38; col. 7, lines 7-31; col. 12, lines 54-65);

a transmitter/receiver (Fig. 5, 21) for wirelessly exchanging data with a processor system (Fig. 5, 7) using infrared waves (col. 12, line 52 – col. 13, line 42);

a controller (Fig. 5, 2) coupled to said transmitter/receiver for receiving data and storing said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module;

and a rechargeable power supply (Fig. 5, 45) (col. 12, line 52 – col. 13, line 42).

Mashiko discloses a portable memory module communicating wirelessly with a processor system (e.g. mobile telephone) using infrared waves. Mashiko also discloses an antenna, transmit/receive group, and switch for wirelessly exchanging data in a PHS (Personal Handy phone System). However, Mashiko does not disclose a portable memory module wirelessly exchanging data using radio waves with a processor system.

Lehtonen discloses a wireless portable memory module system comprising:

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a portable memory module consisting essentially of:

a memory device (memory card) for storing data (section 0016, lines 1-14; section 0019, lines 16-23; section 0031, lines 1-13);

a transmitter/receiver (Fig. 3, BT2) for wirelessly exchanging data with a processor system (Fig. 3, 22) using radio waves (section 0027, lines 5-9; section 0031, lines 8-11; section 0032, lines 1-4);

a controller (MCU) coupled to said transmitter/receiver for receiving data and storing said received data in said memory device and for retrieving stored data from said memory device for transmitting said stored data from said memory module (section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0030, line 1 - section 0031, line 13);

and a power supply (battery) (section 0019, lines 3-8; Fig. 2, 26; section 0032, lines 1-9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Mashiko to include a portable memory module wirelessly exchanging data with a processor system using radio waves as taught by Lehtonen. One of ordinary skill in the art would have been lead to make such a modification since the portable memory module can wirelessly transmit and receive data using radio waves with a processor system (e.g. a mobile telephone) using Bluetooth technology.

Regarding claim 56, the system of claim 55, wherein Mashiko further discloses said recharger is a stand-alone recharging station (Fig. 5, 7).

Regarding claim 57, the system of claim 55, wherein Mashiko further discloses said recharger is part of a processing system (Fig. 5, 7).

Regarding claim 58, the system of claim 55, wherein Mashiko further discloses said rechargeable power supply is a battery (Fig. 5, 45) and said recharger is a battery charger (Fig. 5, 7).

Regarding claim 59, the system of claim 55, wherein Mashiko further discloses the recharger comprises a plug for receiving and connecting to said portable memory module (col. 13, lines 8-13 and lines 18-26).

Regarding claim 60, the system of claim 59, wherein Mashiko further discloses said portable memory module further comprises at least one terminal at said rechargeable power supply for connection with said plug (col. 13, lines 8-13 and lines 18-26).

Claim Rejections - 35 USC § 102

14. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

15. Claims 61-66 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by U.S. Patent No. 6,622,031 by McCleary.

Regarding claim 61, McCleary discloses a portable wireless computer storage device (Fig. 1B, 100) comprising:
a transmitter/receiver circuit (Fig. 5, 108) for directly and wirelessly receiving data storage commands and data for storage (e.g. information) from a general purpose computer (Fig. 1B: 56,

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58) and for directly and wirelessly transmitting stored data (e.g. information) to a general purpose computer;

at least one memory device for storing data (Fig. 5: 102, 103); and

a controller (Fig. 5, 101) in communication with said transmitter/receiver circuit and said at least one memory device for storing in said memory device data received from a general purpose computer in response to a data storage command and for retrieving stored data from said memory device for transmission to a processor system in response to a data retrieval request from a general purpose computer (col. 3, lines 34-45; col. 4, lines 36-42; col. 5, line 49 – col. 6, line 25).

Regarding claim 62, a portable wireless computer storage device according to claim 61, wherein McCleary further discloses said wireless transmission and reception uses BluetoothTM compliant radio waves (col. 6, line 48 – col. 5, line 50).

Regarding claim 63, a portable wireless computer storage device according to claim 61, wherein McCleary further discloses said general purpose computer is one of a laptop computer or a desktop computer (Fig. 5: 102, 103; col. 4, lines 36-42).

Regarding claim 64, a portable wireless computer storage device according to claim 61, wherein McCleary further discloses said at least one memory device comprises a dynamic random access memory device (volatile memory) (col. 5, lines 49-59).

Regarding claim 65, a portable wireless computer storage device according to claim 61, wherein McCleary further discloses said at least one memory device comprises a flash memory device (nonvolatile memory) (col. 5, lines 49-59).

Regarding claim 66, a portable wireless computer storage device according to claim 61, wherein McCleary further discloses said portable wireless computer storage device is adapted to wirelessly transmit retrieved, stored data from said at least one memory device to any of a plurality of general purpose computers (Fig. 5: 102, 103; col. 4, lines 36-42; col. 5, line 48 – col. 6, line 50).

Response to Arguments

16. Applicant's arguments filed 1-20-2006 in regards to claims 22, 24-35, 36-, 38-43, and 61-71 have been fully considered but they are not persuasive.

17. Regarding Applicant's arguments that Lehtonen in view of Mashiko do not disclose in claims 22, 36, and 67: '...the wireless transmission of data, that is received by a portable memory module from a 'first processing system', from said portable memory module to 'any of a plurality of other processor systems...' and '...wireless transmission of data between a first processor system and a portable memory module and wireless transmission of the data to a second processor system...'. Examiner disagrees. None of the claims state this limitation. Instead claims 22, 36, and 67 disclose '...receiving with said portable memory module said data transmitted from the first processor system and storing said received data at said memory module; and wirelessly transmitting stored data from said portable memory module to any of a plurality of other processing systems...'. The Examiner has broadly interpreted the claims to disclose that the data from the first processor system and the stored data transmitted from said portable memory module to another processor system can be different data. There is no language in the claims that the received data from the first processor system to the portable memory module is the same data that is transmitted from the portable memory module to another

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processor system. Thus, Lehtonen in view of Mashiko clearly disclose wireless transmission of data between a first processor system and a portable memory module (Lehtonen: section 0014, lines 1-13; section 0016, lines 1-14; section 0019, lines 1-23; section 0030, line 1 - section 0031, line 13) and wireless transmission of data to a second processor system (Mashiko: col. 9, line 53 – col. 10, line 42).

Regarding claim 61, Applicant argues that McCleary does not teach ‘...a controller that stores data received from a general purpose computer in response to a data storage command and for retrieving stored data from said memory device for transmission to a general purpose computer in response to a data retrieval request from a general purpose computer...’. Examiner disagrees. McCleary clearly discloses the handheld device (e.g. PDA) is a portable wireless computer storage device (col. 5, lines 49-67) that includes a controller (e.g. processor) that stores data (e.g. information/data stored in RAM or optional data storage) received from a general purpose computer (e.g. a host computer) in response to a data storage command (e.g. processing instructions) and for retrieving stored data (e.g. information) from said memory device (e.g. RAM/optional data storage) for transmission to a general purpose computer in response to a data retrieval request (e.g. data/instructions) from a general purpose computer (e.g. a host computer) (col. 5, line 49 – col. 6, line 25). The portable memory module transmits to and receives data from a host computer (Fig. 1b; col. 4, lines 12-42) over a wireless interface (col. 3, lines 34-37). The limitations noted above in claim 61 are not supported by the specification of the instant application. Please see the rejection under the first paragraph of 35 U.S.C. 112 above.

In conclusion, the prior art teaches the claimed invention.

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18. Applicant's arguments, see Amendment, filed 1-20-2006, with respect to the rejection(s) of claim(s) 1, 3-6, 9-13, 54, and 55-60 under Mashiko have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made. Please see all rejection(s) above.

19. Applicant's arguments with respect to claims 1, 3-6, 9-13, 54, and 55-60 have been considered but are moot in view of the new ground(s) of rejection.

20. Accordingly, this action is **FINAL**.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- U.S. Patent No. 6,405,049 by Herrod et al discloses a recharger for detachably receiving and recharging a portable data device having a rechargeable power supply

22. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communications intended for entry)

Or call:

(571) 272-2600 (for customer service assistance)

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (571) 272-7542. The examiner can normally be reached on M-F 8:30-5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.

24. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LH

lh

March 29, 2006


FAN TSANG
SUPERVISORY PATENT EXAMINER
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